

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

KWAME INKRUMA BELL,

Petitioner,

v.

**Civil Action No. 3:07cv167
(Judge Bailey)**

WAYNE A. PHILLIPS,

Respondent.

ORDER GRANTING MOTION FOR LEAVE TO FILE

On, December 18, 2007 *pro se* petitioner, Kwame Bell, initiated this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. The substance of the petitioner's claim is the Bureau of Prisons ("BOP") improperly categorized him as ineligible for early release following his graduation from the Residential Drug Abuse Program (RDAP) because he was given a two-point firearm enhancement in his federal sentence. . More specifically, the petitioner argues that because the counts of his indictment that expressly charged him with firearm possession were dismissed by the sentencing court, the two-point enhancement is incorrect.

On March 3, 2008, the petitioner filed a copy of a motion which he has apparently filed in the Federal Court for the Eastern District of Michigan. In the motion, the petitioner seeks documentation to verify the non-existence of the two-point gun enhancement. The respondent has now filed a Motion for Leave to Reply and indicates, through counsel, his belief that he may be able to further clarify some of the issues raised by the petitioner.

Upon mature consideration of the same, the respondent's Motion For leave to Reply (Doc. 18) is **GRANTED**, and the respondent shall have until April 15, 2008, to file a reply and any supporting documentation regarding the issues raised in the petitioner's motion filed in the United States District Court for the Eastern District of Michigan.

IT IS SO ORDERED.

The Clerk of the Court is directed to mail a copy of this Order to the *pro se* petitioner and counsel of record.

DATED: March 7, 2008

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE